

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

ENGLISH LANGUAGE DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

NICOTINIC ACID COMPOSITIONS FOR TREATING HYPERLIPIDEMIA AND
RELATED METHODS THEREFOR

the specification of which

 X is attached hereto.

 was filed on as Application Serial No. and
was amended on .

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Priority Claimed

<u> </u> Number	<u> </u> Country	<u> </u> Date Filed	<u> </u> Yes	<u> </u> No
<u> </u> Number	<u> </u> Country	<u> </u> Date Filed	<u> </u> Yes	<u> </u> No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing:

Title:

Address:

David J. Bova

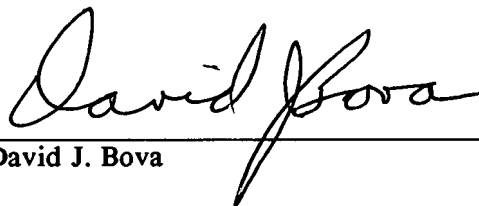
Vice President of Research

Kos Pharmaceuticals, Inc.

1001 South Bayshore Drive

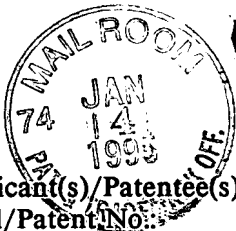
Suite 2502

Miami, Florida 33131

A handwritten signature in dark ink, appearing to read "David Bova", is written over a horizontal line.

David J. Bova

Date: December 21, 1994



Attorney's Docket No.: 94247

Applicant(s)/Patentee(s):

David J. Bova

Serial/Patent No.:

Filed/Issued:

For:

NICOTINIC ACID COMPOSITIONS FOR TREATING
HYPERLIPIDEMIA AND RELATED METHODS THEREFOR

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
37 CFR 1.9(f) and 1.27(c) - Small Business Concern

I hereby declare that I am

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the owner of the small business concern identified below:
an official of the small business concern empowered to act on
behalf of the concern identified below:

Name of Concern:

Kos Pharmaceuticals, Inc.

Address of Concern:

101 South Bayshore Drive, Suite 2502
Miami, Florida 33131

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled NICOTINIC ACID COMPOSITIONS FOR TREATING HYPERLIPIDEMIA AND RELATED METHODS THEREFOR by David J. Bova described in

 X

the specification filed herewith.

application Serial No. 08/124,392 filed September 20, 1993.

Patent No. _____ issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*Note: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entity. (37 CFR 1.27)

N O N E

English Language Declaration

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Date December 21, 1994

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